




Report to the Auburn City Council

Agenda Item No. **6**


City Manager's Approval

To: Mayor and City Council Members
From: Jennifer A. Solomon, Code Enforcement Officer
Date: July 25, 2011
Subject: Non Payment of Administrative Citations, Authority to Assess Tax Roll

The Issue

Shall the City of Auburn recover administrative citation fines by placement on the Tax Roll Assessment?

Conclusions and Recommendation

Staff recommends that the City Council, by resolution, approve the Tax Roll Assessment for Administrative Citation's report and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect.

Background

The enforcement of the Auburn Municipal Code allows staff to issue administrative citations. The cited individual has the right to appeal the citation. In each of the cases attached herein, the citations were not appealed. When administrative citations have not been paid, Auburn Municipal Code Section 10.96 allows staff to pursue any and all legal equitable remedies for the collection of delinquent fines (i.e. recorded as a lien; as a special assessment; or other means of collecting (collection agency)).

This action is the result of such non-payment. A total of four (4) parcels have enforcement fines which are presently delinquent for a total of \$11,900.00 (see Attachment 5 - Exhibit A). Attachments 1-4 are the proposed resolutions which will authorize the City of Auburn to assess the property owner by placing the cost of the fine(s) directly onto the individual property owner(s) tax roll. Attachment 5 is the resolution required by the Placer County Auditor-Controller's Office as authorization to follow procedure to collect charges. These actions are required by the City Council to proceed forward for collection.

Alternatives Available to Council; Implications of Alternatives

1. Adopt the resolutions.
2. Modify the resolutions; direct staff to collect fines in another manner (record a lien or send to Placer Creditors Bureau).
3. Take no action, administrative fines will not be placed on the tax rolls.

Fiscal Impact

The fine amount collected from the City Council action will reimburse the general fund for administrative enforcement. Actual reimbursement will not occur until the 2011/2012 Fiscal Year.

Attached

- Attachment 1 – Resolution for Non Payment of Administrative Citations – 568 Sawka Drive
- Attachment 2 – Resolution for Non Payment of Administrative Citations – 215 Finley Street
- Attachment 3 – Resolution for Non Payment of Administrative Citations – 178 Tennis Way
- Attachment 4 – Resolution for Non Payment of Administrative Citations – 490 Aeolia Drive
- Attachment 5 – Resolution to Placer County for Collection of Charges

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING
A REPORT FOR NON-PAYMENT OF ADMINISTRATIVE CITATIONS AND ORDERING
THE ASSESSMENT OF SUCH COSTS – 568 SAWKA DRIVE

WHEREAS, Chapter 12.5, part 1, Division 2, Title 5 of the California
Government Code, (Government Code Section 54988) authorizes the City
Council to proceed and collect the penalty pursuant to the procedures set forth
in its ordinance; and

WHEREAS, Section 10.96 of the Auburn Municipal Code authorizes the City to
collect delinquent fines and penalties; and

WHEREAS, the responsible party at 568 Sawka Drive (APN 040-542-005-000)
was cited \$100 for a Noise violation; and

WHEREAS, the responsible party was duly informed of their right to appeal the
citation; and

WHEREAS, the responsible party did not appeal the citation; and

WHEREAS, the responsible party was sent a past due notice regarding the
delinquent fines; and

WHEREAS, this action is the result of such non-payment; and

WHEREAS, delinquent fines may be recorded as a lien pursuant to Section
10.96 of the Auburn Municipal Code; and

1 WHEREAS, a copy of the Public Hearing Notice was published on July 15, 2011
2 in the Auburn Journal; and

3
4 WHEREAS, the responsible party has been properly notified of the time and
5 place of the hearing by mail; and

6
7 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and
8 incorporated herein by reference; and

9
10 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was
11 posted on or near the chamber door of the City Council for at least three days
12 prior to the Hearing; and

13
14 WHEREAS, on the date of the adoption of this Resolution, the City Council held
15 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time
16 and place fixed in such notice, at which the responsible party had an
17 opportunity to present the City Council with objections to the assessments
18 described in the Report (the "Hearing"); and

19
20 WHEREAS, all such persons desiring to be heard have been heard by the City
21 Council and the City Council is fully informed of the premises; now therefore,

22
23 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**
24 **FOLLOWS:**

25
26 SECTION 1: The foregoing recitals are each true and correct.

27
28 SECTION 2: The City Council overrules any objections and confirms the
Report as submitted.

1 SECTION 3: The City Council confirms the assessment of \$100 against th
2 responsible party at 568 Sawka Drive (APN 040-542-005-000), and orders tha
3 the assessment be transmitted to the County of Placer for collection at the
4 same time and in the same manner as ordinary municipal taxes.
5

6 SECTION 4: The City Clerk is directed to record in the office of the Count
7 Recorder notice of this order confirming the assessment.
8

9 PASSED, APPROVED AND ADOPTED this ____ of _____ 2011.
10

11 _____
12 William W. Kirby, M.D., Mayor
13

14 ATTEST:
15

16 _____
17 Joseph G. R. Labrie, City Clerk
18

19 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
20 that the foregoing resolution was duly passed at the regular meeting of the
21 City Council of the City of Auburn held on the ____ of _____ 2011 by the
22 following vote on roll call:
23

24 Ayes:

25 Noes:

26 Absent:
27
28

Joseph G. R. Labrie, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING
A REPORT FOR NON-PAYMENT OF ADMINISTRATIVE CITATIONS AND ORDERING
THE ASSESSMENT OF SUCH COSTS – 215 FINLEY STREET

WHEREAS, Chapter 12.5, part 1, Division 2, Title 5 of the California
Government Code, (Government Code Section 54988) authorizes the City
Council to proceed and collect the penalty pursuant to the procedures set forth
in its ordinance; and

WHEREAS, Section 10.96 of the Auburn Municipal Code authorizes the City to
collect delinquent fines and penalties; and

WHEREAS, the responsible party at 215 Finley Street (APN 002-204-007-000)
was cited \$100 for a Nuisance violation; and

WHEREAS, the responsible party was duly informed of their right to appeal the
citation; and

WHEREAS, the responsible party did not appeal the citation; and

WHEREAS, the responsible party was sent a past due notice regarding the
delinquent fines; and

WHEREAS, this action is the result of such non-payment; and

WHEREAS, delinquent fines may be recorded as a lien pursuant to Section
10.96 of the Auburn Municipal Code; and

1 WHEREAS, a copy of the Public Hearing Notice was published on July 15, 2011
2 in the Auburn Journal; and
3

4 WHEREAS, the responsible party has been properly notified of the time and
5 place of the hearing by mail; and
6

7 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and
8 incorporated herein by reference; and
9

10 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was
11 posted on or near the chamber door of the City Council for at least three days
12 prior to the Hearing; and
13

14 WHEREAS, on the date of the adoption of this Resolution, the City Council held
15 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time
16 and place fixed in such notice, at which the responsible party had an
17 opportunity to present the City Council with objections to the assessments
18 described in the Report (the "Hearing"); and
19

20 WHEREAS, all such persons desiring to be heard have been heard by the City
21 Council and the City Council is fully informed of the premises; now therefore,
22

23 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**
24 **FOLLOWS:**
25

26 SECTION 1: The foregoing recitals are each true and correct.
27

28 SECTION 2: The City Council overrules any objections and confirms the
Report as submitted.

1 SECTION 3: The City Council confirms the assessment of \$100 against the
2 responsible party at 215 Finley Street (APN 002-204-007-000), and orders that
3 the assessment be transmitted to the County of Placer for collection at the
4 same time and in the same manner as ordinary municipal taxes.
5

6 SECTION 4: The City Clerk is directed to record in the office of the County
7 Recorder notice of this order confirming the assessment.
8

9 PASSED, APPROVED AND ADOPTED this ____ of _____ 2011.
10

11 _____
12 William W. Kirby, M.D., Mayor
13

14 ATTEST:
15

16 _____
17 Joseph G. R. Labrie, City Clerk
18

19 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
20 that the foregoing resolution was duly passed at the regular meeting of the
21 City Council of the City of Auburn held on the ____ of _____ 2011 by the
22 following vote on roll call:
23

24 Ayes:

25 Noes:

26 Absent:
27
28

Joseph G. R. Labrie, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING
A REPORT FOR NON-PAYMENT OF ADMINISTRATIVE CITATIONS AND ORDERING
THE ASSESSMENT OF SUCH COSTS - 178 TENNIS WAY

WHEREAS, Chapter 12.5, part 1, Division 2, Title 5 of the California
Government Code, (Government Code Section 54988) authorizes the City
Council to proceed and collect the penalty pursuant to the procedures set forth
in its ordinance; and

WHEREAS, Section 10.96 of the Auburn Municipal Code authorizes the City to
collect delinquent fines and penalties; and

WHEREAS, the responsible party at 178 Tennis Way (APN 002-154-006-000)
was cited \$100 for a Building Code violation; and

WHEREAS, the responsible party was duly informed of their right to appeal the
citation; and

WHEREAS, the responsible party did not appeal the citation; and

WHEREAS, the responsible party was sent a past due notice regarding the
delinquent fines; and

WHEREAS, this action is the result of such non-payment; and

WHEREAS, delinquent fines may be recorded as a lien pursuant to Section
10.96 of the Auburn Municipal Code; and

1 WHEREAS, a copy of the Public Hearing Notice was published on July 15, 2011
2 in the Auburn Journal; and

3
4 WHEREAS, the responsible party has been properly notified of the time and
5 place of the hearing by mail; and

6
7 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and
8 incorporated herein by reference; and

9
10 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was
11 posted on or near the chamber door of the City Council for at least three days
12 prior to the Hearing; and

13
14 WHEREAS, on the date of the adoption of this Resolution, the City Council held
15 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time
16 and place fixed in such notice, at which the responsible party had an
17 opportunity to present the City Council with objections to the assessments
18 described in the Report (the "Hearing"); and

19
20 WHEREAS, all such persons desiring to be heard have been heard by the City
21 Council and the City Council is fully informed of the premises; now therefore,

22
23 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**
24 **FOLLOWS:**

25
26 SECTION 1: The foregoing recitals are each true and correct.

27
28 SECTION 2: The City Council overrules any objections and confirms the
Report as submitted.

1 SECTION 3: The City Council confirms the assessment of \$100 against th
2 responsible party at 178 Tennis Way (APN 002-154-006-000), and orders that
3 the assessment be transmitted to the County of Placer for collection at the
4 same time and in the same manner as ordinary municipal taxes.
5

6 SECTION 4: The City Clerk is directed to record in the office of the County
7 Recorder notice of this order confirming the assessment.
8

9 PASSED, APPROVED AND ADOPTED this ____ of ____ 2011.
10

11 _____
12 William W. Kirby, M.D., Mayor
13

14 ATTEST:
15

16 _____
17 Joseph G. R. Labrie, City Clerk
18

19 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
20 that the foregoing resolution was duly passed at the regular meeting of the
21 City Council of the City of Auburn held on the ____ of ____ 2011 by the
22 following vote on roll call:
23

24 Ayes:

25 Noes:

26 Absent:
27
28

Joseph G. R. Labrie, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING
A REPORT FOR NON-PAYMENT OF ADMINISTRATIVE CITATIONS AND ORDERING
THE ASSESSMENT OF SUCH COSTS – 490 AEOLIA DRIVE

WHEREAS, Chapter 12.5, part 1, Division 2, Title 5 of the California
Government Code, (Government Code Section 54988) authorizes the City
Council to proceed and collect the penalty pursuant to the procedures set forth
in its ordinance; and

WHEREAS, Section 10.96 of the Auburn Municipal Code authorizes the City to
collect delinquent fines and penalties; and

WHEREAS, the responsible parties at 490 Aeolia Drive (APN 003-092-004-000)
were cited on several occasions for a total of \$11,600 for multiple Building
Code violations; and

WHEREAS, the responsible party was duly informed of their right to appeal the
citation; and

WHEREAS, the responsible party did not appeal the citation; and

WHEREAS, the responsible party was sent a past due notice regarding the
delinquent fines; and

WHEREAS, this action is the result of such non-payment; and

1 WHEREAS, delinquent fines may be recorded as a lien pursuant to Section
2 10.96 of the Auburn Municipal Code; and
3

4 WHEREAS, a copy of the Public Hearing Notice was published on July 15, 2011
5 in the Auburn Journal; and
6

7 WHEREAS, the responsible party has been properly notified of the time and
8 place of the hearing by mail; and
9

10 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and
11 incorporated herein by reference; and
12

13 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was
14 posted on or near the chamber door of the City Council for at least three days
15 prior to the Hearing; and
16

17 WHEREAS, on the date of the adoption of this Resolution, the City Council held
18 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time
19 and place fixed in such notice, at which the responsible party had an
20 opportunity to present the City Council with objections to the assessments
21 described in the Report (the "Hearing"); and
22

23 WHEREAS, all such persons desiring to be heard have been heard by the City
24 Council and the City Council is fully informed of the premises; now therefore,
25

26 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**
27 **FOLLOWS:**
28

1 SECTION 1: The foregoing recitals are each true and correct.

2
3 SECTION 2: The City Council overrules any objections and confirms the
4 Report as submitted.

5
6 SECTION 3: The City Council confirms the assessment of \$11,600 against
7 the responsible parties at 490 Aeolia Drive (APN 003-092-004-000), and
8 orders that the assessment be transmitted to the County of Placer for
9 collection at the same time and in the same manner as ordinary municipal
10 taxes.

11
12 SECTION 4: The City Clerk is directed to record in the office of the County
13 Recorder notice of this order confirming the assessment.

14
15 PASSED, APPROVED AND ADOPTED this ____ of _____ 2011.

16
17
18 _____
19 William W. Kirby, M.D., Mayor

20 ATTEST:

21
22 _____
23 Joseph G. R. Labrie, City Clerk

24
25 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
26 that the foregoing resolution was duly passed at the regular meeting of the
27 City Council of the City of Auburn held on the ____ of _____ 2011 by the
28 following vote on roll call:

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Ayes:

Noes:

Absent:

Joseph G. R. Labrie, City Clerk

RESOLUTION NO. _____

REQUESTING COLLECTION OF CHARGES ON THE 2011/2012 TAX ROLL
FOR THE CITY OF AUBURN- NON PAYMENT OF ADMINISTRATIVE
CITATIONS

TAX CODE NUMBER 60700

DIRECT CHARGE NAME: NON PAYMENT OF ADMINISTRATIVE
CITATIONS

Whereas, the City of Auburn (name of public entity) (hereinafter "District/City") requests the County of Placer collect on the County tax rolls certain charges which have been imposed pursuant to section 39574 of the Government Code and Auburn Municipal Code Chapter 10 by the District/City, attached hereto, and

Whereas, the County has required as a condition of the collection of said charges that the District/City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

Now, Therefore, Be It Hereby Resolved by the Board/Council of District/City that:

1. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.
2. The District/City warrants and represents that the taxes, assessments, fees and/or charges imposed by the District/City and being requested to be collected by Placer County comply with all requirements of state law, including but not limited to Articles XIII C and XIII D of the California Constitution (Proposition 218).
3. The District/City releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County on the property tax roll of any taxes, assessments, fees and/or charges on behalf of District/City.
4. In consideration for the County's collection of the charge through the County's property tax roll, the District/City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of District's/City's said taxes, assessments, fees and/or charges requested to be collected by County for District/City, or in any

manner arising out of District's/City's establishment and imposition of said taxes, assessments, fees and/or charges. District/City agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of District's/City's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by County on behalf of District/City, including property taxes.

5. The District/City agrees that its officers, agents and employees will cooperate with the County by responding to all inquiries referred to District/City by County from any person concerning the District's/City's taxes, assessments, fees and/or charges, and that District/City will not refer such persons to County officers and employees for response.
6. The District/City agrees to pay the County for the reasonable and ordinary charges to recoup its costs of placement and collection on the tax rolls at the agreed upon rate of 1% of the taxes, assessments, fees and/or charges, as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED by District/City this _____ day of _____, 20____, by the following vote on roll call:

AYES

NOES

ABSENT

William W. Kirby, M.D., Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

**Tax Roll Assessment for
Administrative Citation(s)**

Exhibit "A"

<i>APN</i>	<i>SITE ADDRESS</i>	<i>VIOLATION</i>	<i>TOTAL FINE DUE</i>	<i>TAX CODE AREA</i>	<i>DISTRICT</i>	
040-542-005-000	568 Sawka Drive	Noise	\$100.00	60700	Auburn City	
002-204-007-000	215 Finley Street	Nuisance	\$100.00	60700	Auburn City	
002-154-006-000	178 Tennis Way	Building Code	\$100.00	60700	Auburn City	
003-092-004-000	490 Aeolia Drive	Building Code	\$11,600.00	60700	Auburn City	
TOTALS			\$11,900.00			